

**California State Department of Social Services (CDSS)
ICWA WORKGROUP**

November 12, 2013 • 1:00pm to 3:30pm

Hosted by Mooretown Rancheria
The Lodge at Feather Falls Casino
3 Alverda Dr. Oroville, CA 95966

Meeting Notes

SUMMARY OF ACTION ITEMS

1. In response to a Workgroup request, CDSS is developing a press release expressing that despite the Baby Veronica Supreme Court decision, California will continue to support the tribes, California ICWA law, and will continue to seek compliance with both federal and state law with respect to Indian children, tribes and families. **[In progress]**
2. Kristen Parske will resend the Transfer of Case Records DRAFT ACL. **[Done 11/13/13]**
3. The Workgroup will be notified when the After 18 program training is posted to the CalSWEC website. **[In progress]**
4. Ellie Jones will send the CCR subcommittee compilation document to Scott Stevens for dissemination to the Workgroup. **[In progress]**
5. CDSS will add the Federal Transfer Requirements to CDSS ICWA webpage. **[In progress]**
6. CDSS will send registration information to the Workgroup for the Beyond the Bench Conference. **[Done 11/13/13]**

Welcome/Introductions

Review Agenda and Minutes: Co-Chair's Liz DeRouen, Nancy Currie and Theresa Sam were present. Liz DeRouen led the workgroup meeting. Participants were introduced and the previous meeting's minutes and current meeting's agenda were reviewed.

Tribal News/Additions to Agenda: Nick Mazanec shared about a case in Sonoma County where ICWA was not complied with and resulted in a Guardianship. The appeals court reversed and remanded the decision and they are now waiting for a new hearing. The decision can be found here: <http://www.courts.ca.gov/opinions/documents/A136982.PDF>

Kimberly Cluff also shared that she recently had a case go to the appeals court and the tribe prevailed with the court finding that notice was inaccurate.

Nick also shared the week of 11/18/13 there will be a Tribal/State Justice Summit at Rincon.

Follow-up on May Action Items: CDSS' Child Safety Unit Manager, Scott Stevens, provided this update. CDSS is preparing a press-release regarding the Baby Veronica Supreme Court Decision and how California will continue to support the tribes, California ICWA law and Indian children and families.

The MOU's have also been posted on the CDSS ICWA webpage.

CDSS Updates

Division 31 Regulations: Kendra Elmendorf (Child Safety Unit) provided this update. The regulations are still in development, although they are nearly complete. Currently, we are waiting on feedback from the Title IV-E transfer ACL to ensure we have included all of the necessary feedback and suggestions in the regulations. We are trying to be as thorough and accurate as possible as to not miss anything. The goal is to get the regulations package to the Office of Regulation Development by the end of November. If new legislation is enacted while the regulations are in the approval process, an ACL or ACIN would be produced in lieu of a new regulations package.

AB 12/“After 18 Program” - ACL Status: Nighat Iqbal (Child Safety Unit) provided this update. The ACL was signed by CDSS Deputy Director Greg Rose and should be available to the public by tomorrow, 11/13. Nighat also shared there is an “After 18 Program” training that includes a PowerPoint, trainer and trainee guides. This training will be used by the counties. A link will be sent to the Workgroup once the training is posted on the CalSWEC website.

Update to CDSS’ ICWA Website-MOU’s: Scott Stevens showed the Workgroup the CDSS ICWA webpage and the link which contains the MOU’s/MOA’s, protocols and standing orders that have been shared with the unit. Scott encouraged the Workgroup to provide any others they have or know of so they can be posted as well.

Scott Stevens also discussed changes being made to the CDSS website, including an entirely new web design. Scott asked the group about deleting links to old Workgroup meetings and making a statement on the page similar to, “Past meeting minutes available upon request.” A suggestion was also made to add an archive link to house the past Workgroup meeting minutes.

Scott also discussed that the Child Safety Unit is currently reviewing and updating the “ICWA List of Accomplishments.” The last time it was updated was in 2009. The Workgroup is encouraged to look at the document and give input on anything that should be included. The document can be found here: <http://www.childsworld.ca.gov/res/pdf/ICWA/ICWA-Accomplishments.pdf>

SOC 815-Tribally Approved Homes - ACL Status: Kendra Elmendorf provided this update. All of the comments have been received and considered. Most of them were accepted. Currently, an attachment is being developed which includes a highlighted copy of the form which shows what sections/parts the county needs to complete. A draft version will go out internally to other CDSS Branches for review next week. Once those comments are received and reviewed, the ACL will start through the County Letter Process (CLP).

Transfer of Case Records from Counties to Tribes - ACL Status: Kristen Parske (Child Safety Unit) stated this ACL is currently out for review. This ACL gives the Federal requirements of information that is to be shared with a Title IV-E tribe when transferring a child(ren) to a tribal Title IV-E court. The Workgroup requested another email with the ACL be sent as some members reported they did not receive it. Kristen stated she would send it out 11/13/13. A concern was also raised about current cases where the tribe has requested records but the county has not provided them. CDSS said the minimum requirements will be

posted on the website, so the tribes can refer to the regulations when speaking with the county.

Discussion Items for Follow-up:

Over-noticing of Tribes: Scott Stevens and Nancy Currie discussed this topic. Scott shared with the Workgroup some screen shots of CWS/CMS. After discussing the situation, it was decided that it is a training issue and perhaps more training needs to be provided to the county social workers. It was also stated that the tribes would rather receive too many notices than perhaps not receive ones they should be getting. A concern was also raised about breaching confidentiality of clients when notices are sent to tribes that should not be receiving the information.

Kimberly Cluff stated the Hickory Apache and Tlingit Haida Tribes have developed policies around the noticing issue and more research should be done into what has already been established. Liz DeRouen stated noticing is a great topic for MOU's.

Continuum of Care Reform (CCR) Q & A: Ellie Jones and Megan Stout were by phone to discuss this. It was discovered that Tribally Approved Homes are exempt from the proposed new reform. Ellie stated they are working on compiling the recommendations of the four subcommittees into one document and hope to have that ready by the first part of December. Once it is complete it will be sent to Scott Stevens for distribution to the Workgroup and comments will need to be back by February 2014.

MOU's-Avoiding Silo's: There was discussion about how to get other departments and agencies involved in MOU's so everyone can work together and better serve the children and families. Liz DeRouen suggested putting different types of MOU's on the same page as the other ones CDSS has currently posted. She said Sonoma County is currently working on one with probation. Ann Gilmour stated the AOC is putting together a fact sheet about how/when ICWA applies to Probation cases. Scott Stevens and Ann attended the California Probation Advisory Committee (CPAC) and explained how ICWA and probation intersect.

Putative Father Registry/Baby Veronica: Kimberly Cluff stated currently there is a Putative Father Registry in committee, but does not look like it will be successful. Utah is close to passing legislation to develop one. Kimberly will keep the Workgroup updated on this topic.

CDSS has prepared a draft press release; it is still in draft form. The Workgroup suggested sending to the attorney's in the Workgroup before it goes out to the public.

ICPC Issues: This is a follow up item from the last meeting. Nancy Currie expressed concern about ICPC and the enforcement of it as well as the consequences if it is not followed. Sheila Dupuy from CDSS stated a violation of ICPC is a violation of state law. There are no "red flags" that go up when there is an issue. Nancy asked what is in place to assure tribes that the same thing that happened with Baby Veronica and Baby Deseray will not happen again. Sheila stated she would look into those cases more.

Workgroup Logo: Tabled to next meeting due to lack of time.

California Partnership for Permanency (CAPP) Update: Jennifer Buchholz, CAPP Project Manager, gave this update. CAPP is in year 4 of 5 and each county that is participating is in different stages of implementation. There was a cross-site visit to LA County in October where Dr. Cheryl Grills spoke. The CAPP Statewide team will visit Humboldt County next week and Santa Clara will host the next cross-site meeting in January. Cynthia Alexander will send out the meeting dates and times for Fresno County which will occur in December. CAPP will also be hosting one session at the Beyond the Bench Conference in December titled “Justice for All: A Culturally Responsive Approach to Practice and System Changes Involving Community and Tribal Partners” that will include an element of lessons learned and best practices. CDSS Project Director Karen Gunderson will give a short presentation on CAPP and then a panel discussion with judges and community and tribal partners will take place.

Administrative Office of the Courts Update: Ann Gilmour stated Vida Castaneda was invited to Denver to attend a series of meetings with the Denver Indian Family Resource Center and Casey Family Programs. The Judicial Council formalized the Tribal Court/State Court Forum as an advisory committee to the council. Judicial Council has recommended legislation be proposed to amend Welfare and Institutions Code section 827 on tribal access to juvenile court records. Two new Rules of Court were approved by the Judicial Council. One concerns the administering of psychotropic medications in juvenile cases and ensures notices would be sent to the tribes. The other concerns transferring child support cases from state courts to tribal courts for tribes in California operating a Title IV-D program. Beyond the Bench will be held Dec. 2-4 in Anaheim, CA. Ann will send registration information to CDSS for dissemination to the workgroup.

Next ICWA Workgroup Meeting Discussion: The proposed meeting schedule for 2014 was approved by the Workgroup. The next meeting will be held **January 14, 2014 at CDSS Headquarters in Sacramento.**

Agenda Building: Continuum of Care Reform will be a standing item on the agenda. Workgroup logo will be on the next agenda.

Other Issues:

Tribal Host for 2014 ICWA Conference: Theresa Sam is working on finding a host for the 2014 ICWA Conference.

Co-Chair Vacancies: The discussion for a Northern co-chair has been tabled.

Detail of Meeting Minutes: The Workgroup discussed the level of detail in the meeting minutes. It was agreed that the minutes can be shorter and less detailed. Scott Stevens also mentioned we are working on recording the minutes so they can be posted on the website. Then, if someone would like more detail then they can listen to the recording.

T/TA: Request: Nancy Currie stated the tribal caucus would like to hold off on the T/TA request so they can get more input from other tribes. This item will be added to the agenda when the tribal caucus is ready to move forward.

Meeting adjourned at 3:48.